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RICHMOND, VA., FRIDAY, FEBRUARY 11, 1910.

THE WEATHER TO-DAY: CLOUDY.

The Times-Dispatch "prints all the news and prints it first."

PRICE TWO CENTS.

DENIES CRIME AS HE FACES DEATH

Little, Murderer of Six, Tells Minister He Is Innocent Man.

CHAIR TO CLAIM HIM EARLY TO-DAY

Former United States Marshal of Kentucky, Once Pardoned by Governor, Admits That He Escaped Arrest for Many Crimes—His Buchanan Record.

Every possible effort to save him from capital punishment having been exhausted, Howard Little, convicted of the murder of Mrs. Bettie Justis, George Meadows, his wife and three little children, in Buchanan county last fall, will pay the penalty of his crime in the electric chair at the penitentiary this morning.

Since he was brought to the death chamber fifteen days ago, Little has known that his case was hopeless, but he has stoutly maintained his innocence up to late last night, when after his last conference with his spiritual adviser, Rev. J. R. Johnson, pastor of the Venable Street Baptist Church, he said: "I am an innocent man, but I had much rather go to the electric chair clear of the crime of which I am convicted than to be executed as a criminal paying his just debt to society."

Admits Other Crimes.

Mr. Johnson said last night that he had been with Little almost every day since his arrival at the penitentiary, but that in all his conferences the convicted man had never given him any reason to believe that he was guilty, although he never flinched when reminded that it was impossible to escape the chair. The preacher stated further that Little freely confessed to the murder of George McKinney in Eastern Kentucky several years ago, and to other crimes for which he had not been tried, the nature of which, Mr. Johnson would not disclose.

Once Served as Marshal.

In spite of the overwhelming evidence that Little is a criminal of the deepest dye, he certainly bears but few marks of the ordinary murderer. He is more than six feet tall, weighs 236 pounds, and is unusually handsome. He was highly thought of in the communities in which he lived, and in evidence produced against him, there was practically no shadow of a doubt but that he was guilty. In spite of the fact that it was for the most part circumstantial, his wife is said to have been the only witness to the crime, but she was not allowed to testify. In the absence of other witnesses it was thought that there was some chance of saving his life, but all efforts of learned counsel failed to induce the Supreme Court to grant a writ of error.

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Killed Entire Family.

His list of crimes was completed while acting as foreman for this company. He and his family engaged board with the family of George Meadows, and for a time all went well. Trouble soon cropped up in the household, and on one night early last fall, when he returned home, he killed Mrs. Justis, Mrs. Meadows, her three children, and shot George Meadows as he ran from the house. When the people of Buchanan county became convinced that Little was guilty there was a great deal of talk of lynching, and in order to avoid this he was moved immediately after his arrest to the Roanoke jail. At the time set for the trial there was some talk of calling the military to Buchanan Courthouse, but as there was no kind of demonstration it was not done. After conviction he was returned to the Roanoke jail, awaiting removal to his city of execution, which was set for January 7. On the day before he was to have been brought to the penitentiary a guard was sent to Roanoke, but came back empty-handed, as the Governor, on petition of Little's counsel, had granted a writ of habeas corpus for January 7. On the day before he was to have been brought to the penitentiary a guard was sent to Roanoke, but came back empty-handed, as the Governor, on petition of Little's counsel, had granted a writ of habeas corpus for January 7. On the day before he was to have been brought to the penitentiary a guard was sent to Roanoke, but came back empty-handed, as the Governor, on petition of Little's counsel, had granted a writ of habeas corpus for January 7.

NAVAL HERO PASSES

Capt. Alex. Sharp, Former Commander of Virginia, Dies in Washington.

Washington, D. C., February 10.—In the death here to-day of Captain Alexander Sharp passed one of the gallant commanders of the American vessels at the famous battle of Santiago Harbor of July 2, 1898, when Cervera's fleet was destroyed. Captain Sharp, at the time of his death, was president of the Navy Inspection Board, and until recently was commander of the battleship Virginia.

He died of typhoid fever at the Naval Hospital in this city. Born in White, Mo., fifty-five years ago, Captain Sharp entered the navy service as a midshipman in 1870. When Theodore Roosevelt was Assistant Secretary of Navy, Captain Sharp, then a Lieutenant-commander, was his naval aide, and was of the greatest assistance in his chief in the days of the intense strain and preparation preceding the war with Spain. Upon Mr. Roosevelt's resignation to become lieutenant colonel of the Rough Riders, his young aide was placed for active service at sea, and finally managed to obtain command of one of the converted merchant steamers, the Vixen. The little vessel did splendid service during the blockade on the south coast of Cuba, and although such insignificant craft had no business in an engagement between ironclads—battleships and cruisers—commander Sharp did not hesitate to get into the thick of the fray, and made a fine record.

His last service afloat was in command of the battleship Virginia, from which he was detached last December. He was assigned to duty as a member of the Board of Inspection. He is survived by his wife and a son, the latter an ensign aboard the Connecticut.

HOME RULE PARAMOUNT

Leader Redmond Will Subordinate Every Other Question.

Dublin, February 10.—John E. Redmond, who to-day was re-elected the United Irish League, made an important announcement of his policy at a banquet given in his honor this evening. The leader of the Nationalists plainly outlined his intention of the coming session of Parliament, where he virtually holds the balance between the two English parties. In a word, his intention is to put the government unless it has both the will and the power to deal with the question of the four of Lords veto, provided Premier Asquith sticks to his pledge to resign office unless he gets the power to deal with the veto.

Two or three times during the course of his speech, which was received with great enthusiasm, Mr. Redmond referred to another great election as probably near at hand. He said they were celebrating the centenary of the home rule in Ireland and Great Britain. Mr. Redmond paid a tribute to T. P. O'Connor's visit to America, and asked the Irish people to remember that the Irish party had fought their election with money supplied by America and the colonies.

MEDAL FOR WRIGHT BROTHERS

Their Ancestral Intention of Return to America.

Washington, D. C., February 10.—Orville and Wilbur Wright, the aeronauts, were to-day presented with the Langley medal by the Smithsonian Institution by Chief Justice Taft, who is also chancellor of the Smithsonian Institution. The medal was presented in 1905 in commemoration of Professor Langley and his work in aerodynamics. Wilbur Wright, in accepting the medal, made a statement in which the Wright brothers had perfected their commercial flying machine organization, they intended to go back to research work in aerodynamics, some startling discoveries. He declared that there was research work awaiting which could keep six men busy a lifetime.

INSURGENT VICTORY

Town of Matagalpa Is Taken by Guerrillas.

Managua, Nicaragua, February 10.—The revolutionists, 1,200 strong, under the leadership of Juan Jose, captured Matagalpa this morning. On receipt of the news that Matagalpa had been taken by Chamorro, the revolutionists, who were in the neighborhood, evacuated it. It is rumored, however, that the insurgents defeated the Chamorro forces, and that they continued to Matagalpa without opposition. Thereafter they requisitioned arms, money and supplies, as when Boaco was taken.

SEINE STILL RISING

Paris Authorities Think There Is No Cause for Alarm.

Paris, February 10.—The River Seine has risen seven and one-half inches in the twenty-four hours ending at noon to-day. Further rise of ten inches to-morrow noon is predicted. At a cabinet meeting to-day, Premier Briand expressed the opinion that all necessary measures of precaution had been taken, and that there was no cause for uneasiness. American Ambassador Bacon to-day sent to the foreign office another check for \$40,000, representing the relief fund collected by the Chamber of Commerce of New York. The government's relief measures provide for loans of sums up to \$1,000, to run for five years without interest. A Belgian minister has received \$50,000, which was voted by the Canadian Parliament for the flood sufferers, and \$50,000 from the Lord Mayor of London. The International Harvester Company, of Chicago, has sent \$4,000 to Mr. Ruau, Minister of Agriculture.

BYRD LIQUOR BILL GREATLY REVISED

Committee Eliminates Many of Its Most Drastic Features.

WANTED TO TALK FOR TWENTY DAYS

Modest Request Made by Mr. Smith—Fletcher Tax Bill Lost Because of Emergency Feature—Shackleford Elected Judge—Mineral Tax Enacted.

Saloons in Virginia may continue to keep their doors open until midnight in the little towns of Clarksville and Rocky Mount, with between 500 and 1,000 inhabitants, may keep their saloons. The rate of liquor license will be that of the hotel bill, which has passed the Senate. Revocation of license for two years for violation of law will apply only to the person and not to the place. Hotels at resorts which have license may sell to all, not merely to guests. Saloons now located within 400 feet of churches and school houses may stay in business, although no new licenses may be granted in such cases. Clays and near-by saloons can no longer be sold in dry territory.

All of the above conclusions are predicted upon the concurrence by the House and the Senate in the decision reached yesterday by the House Committee on Counties, Cities and Towns, in a solid day considering the new Byrd liquor bill, and which will report it to the House to-day. While minor amendments may be made on the floor or one or the other body, it is believed that in the main the Legislature will stand by the decisions of the committee.

Committee Changes.

Speaker Byrd had proposed a 10 o'clock closing law to apply to all saloons in the State; this was stricken out. He had extended the area of absolute prohibition from towns of 500 inhabitants, which was proposed, to towns of 1,000. This brought forth protest from a number of little towns, and the committee listened to their plea. The speaker's license fees were for the most part the same as in the Senate bill, except that retailers were to be charged \$550 instead of \$550. To this the House committee decreed a reduction.

Because of alleged abuses, Mr. Byrd had prohibited the granting of liquor licenses in the same place for two years after a license had been revoked for violation of the law. The committee did not approve this. Doubtless taking the position that this would be an injustice to an owner who had been not guilty of the acts of a lessee. Saloons in territory contiguous to wet cities and in resort hotels are excepted from the provision against license in towns of under certain size, but the speaker had contemplated making the hotel bar sell only to bona-fide guests. The point was made against this, that most of the people at resorts live in cottages, and this provision was eliminated.

The Amendment as to Letting Existing Saloons Remain Near Schools and Churches was Previously Accepted.

To this the committee gave all or its time yesterday excepting that it did not approve this. Doubtless taking the position that this would be an injustice to an owner who had been not guilty of the acts of a lessee. Saloons in territory contiguous to wet cities and in resort hotels are excepted from the provision against license in towns of under certain size, but the speaker had contemplated making the hotel bar sell only to bona-fide guests. The point was made against this, that most of the people at resorts live in cottages, and this provision was eliminated.

A Strange Appearance.

Decidedly the most unique character who has appeared at any committee meeting held during this session of the General Assembly was on hand yesterday morning at the meeting of the House Committee on General Laws, which was considering amendments to the labor laws. This was, according to his card, "Frank Smith, Political Economist." When opportunity arose he advanced and addressed the committee.

Without Appearing to think there was anything unusual in his proposal, he declared that he would require twenty days of the time of the committee to present his views on the bills. Inasmuch as the entire remaining time of the session is only about thirty days, the committee could not see its way clear to give twenty of them to one man on one subject. After some little discussion of the question Mr. Smith was given ten minutes, instead of twenty days.

He stated that he was opposed to all child labor laws and to the pending amendment. He said men were incapable of deciding what was best for women workers and that this question should be left to the mothers. There was, said Mr. Smith, no God in his creed, but that he worshiped children. They do not, he argued, play properly, but are actually at work while one thinks they are playing, and must be taught to play.

Speed Modest Sum.

Mr. Smith made the simple proposition that the Virginia Legislature should set aside the unearned increment on real estate for the care of children, amounting to some \$25,000,000 to \$30,000,000 a year. The committee thought that the appropriation of a sum of this size had better be left to the Finance Committee, and it may be passed along to Colonel Bowman.

Despite the startling nature of his views, Mr. Smith delivered them in a cool, courteous and deliberate manner. He talked like a well educated man of the world, did not obtrude himself on the time of the committee, and at the conclusion of his allotted time took his seat quietly and with perfect good humor.

The Fletcher Tax Equalization Bill Was Lost in the Senate Yesterday.

A large majority voted for it, but not enough to carry it with its emergency clause. It will be reconsidered, but it may be impossible to strike out the emergency provision. A bill on minerals. The Senate also passed the mineral tax bill, which has already been enacted in the House, providing for the assessment of mineral land by a representative.

MADE SCAPEGOAT FOR SUGAR TRUST

Spitzer Goes to Prison "to Save Those Higher Up."

DESERTED BY ALL WHOM HE SERVED

Convicted of Underweighing Frauds, Former Dock Superintendent Makes Bitter Attack on Trust for Sacrificing Him—Will Be Taken to Atlanta.

New York, February 10.—Declaring that a "sugar trust" had made a "scapegoat" of him, and that it had answered the government's cry for a victim in the alleged fraud prosecution by sacrificing him and four \$15-a-week checkers, Oliver Spitzer, former dock superintendent of the American Sugar Refining Company's plant at Williamsburg, severely arraigned that trust, following his sentence to-day to two years in the Federal penitentiary at Atlanta, Ga., for his part in the recent extensive sugar underweighing frauds.

Spitzer's application for admission to bail pending appeal was denied, and arrangements are made later in the day to take him to Atlanta to begin serving his term. He said that he expected on the appeal the conviction would be reversed and a new trial ordered.

Deserted by Trust.

"The trust deserted me absolutely; it humiliated and ruined me after I served it faithfully for twenty-nine years," said Spitzer, in broken tones. "I started with the trust in 1890 as a boy, and by industry worked my way, step by step, until I became superintendent of the docks at Williamsburg."

"It has been reported that I was receiving big pay from the trust. As a matter of fact, I got a salary of \$55 a week. The expenses of this trial have cut into my savings, and left me practically penniless. Speaking of the report that he knew of the alleged manipulation of the scales at the sugar docks, he said he didn't think he was in the scalehouse once during the last fifteen years. "As to the corset steel said to have been discovered in a hole in the scale, he continued, "I know nothing about it, and seemingly no one else except Parr, who claims to have found it later."

He said that none of them were guilty of any breach of the law, but someone "had to go to prison to save the higher up."

Spitzer said he had directed his counsel not to apply for a stay of execution, as he did not want to place himself in the same sort of position which confronted Charles W. Morse, who, through a series of cases, had served a year's imprisonment in the Tombs to his sentence.

Spitzer, with four former checkers, was convicted in the Federal courts for conspiracy to defraud the government by underweighing sugar imports. The checkers were sentenced shortly after conviction to one year each in the Federal penitentiary at Atlanta, Ga., but sentence of Spitzer was deferred on account of his physical condition.

Following the Disposal of the Spitzer case, a new and novel phase of the sugar prosecutions was taken up with the case of Charles R. Helke, secretary of the American Sugar Refining Company, who is charged with conspiracy in procuring fraudulent weighing and entries of sugar cargoes.

Helke recently submitted a plea claiming immunity in view of testimony he claimed to have given before the grand jury in the case of Charles R. Helke, secretary of the American Sugar Refining Company, who is charged with conspiracy in procuring fraudulent weighing and entries of sugar cargoes.

Special Government Prosecutor Stimmen declared during his examination of witnesses that Helke was never asked any question bearing on the present issues while he was before the Federal grand jury.

POOLROOM DYNAMITED

Sporting Resort Is Completely Wrecked by Bomb.

Cincinnati, O., February 10.—The house known as the "Hanover poolroom," near Lawrenceburg, Ind., was blown up yesterday morning. The building was completely wrecked, and the watchman had a narrow escape. The explosion occurred shortly after 10 o'clock, and a few minutes previously the young son of the watchman, returning home, saw the bomb with a burning fuse. He ran into the house, and awoke his father, who escaped in his night clothes just in time.

The house was well known among the "sporting fraternity" throughout the country. It was understood to be operated by Cincinnati racing men, and last summer was the objective point of numerous excursions.

FAMILY POISONED

Cold Storage Beef and "Fresh" Soup Brought Nearly Fatal.

Peoria, Ill., February 10.—Who would have suspected that eating beef-steak resulting from the cold storage variety, and soup made from a "fresh" soup bone, came near causing the death of five members of the family of John Rush, an employe of a local brewing company.

Of six members of the family, one, Mrs. John Rush, died and did not get out of the soup or beefsteak, escaped. Geo. Rush is still dangerously ill. The symptoms of the poisoning poisoning, of a type of poisoning simulating typhoid.

The Health Department has secured samples of the meat, which are now being analyzed.

SENATE AND COURT AT LOGGERHEADS

Each May Declare the Other in Contempt.

JUDGE'S ORDER IS DISREGARDED

Positive Instructions Are Given to Committee to Pay No Heed to Summons of Justice Wright—House Decides to Obey Mandate.

Washington, February 10.—Whether a court at law has power to summons before it a committee of Congress was the chief subject of discussion before the Senate and House of Representatives to-day.

The Senate required but a short time to dispose of this question, and gave positive instructions to Senators Reed Smoot, Jonathan Bourne and Duncan Fletcher not to respond to-morrow to the order issued by Justice Wright, of the Supreme Court of the District of Columbia, directing them to appear before him. The proceedings grew out of a suit instituted by the Valley Paper Company, of Holyoke, Mass., as the result of the committee's award of a contract for furnishing paper for the Government Printing Office.

The refusal of the Senate was based upon the plea of the constitutional prerogatives of members of Congress. The Senate took the position that as it was the ultimate branch of the government the court had no right to interfere with its business affairs. Incidentally, the question was raised as to whether Justice Wright was in contempt of the Senate, or whether the Senate was in contempt of Justice Wright.

Mr. Cite Judge for Contempt.

Senator Nelson sought to have the resolution adopted by the Senate so amended as to permit the Senators to appear only for the purpose of testing the court's jurisdiction, and in doing so said that if the recommendation of the Judiciary Committee was correct Justice Wright might be called before the Senate for contempt.

Senator Bacon, of Georgia, declared that the exercise by the court of such power as it claimed would result in the overthrow of the powers of the legislative department of the government. The amendment was voted down, 14 to 45, the original committee resolution being adopted without dissent, as was another resolution directing the secretary of the Senate to communicate the views of the Senate to the court.

In the House there was greater division of opinion as to whether in this particular case the court was authorized to summon its members. The Judiciary Committee brought in two reports.

The majority report recommended a compromise with the summons of the court on the ground that the committee was not summoned as members of Congress, but while acting under the authority of a statute enacted by Congress. The majority therefore recommended that Messrs. Cooper, of Maryland, and Finley, of South Carolina, be instructed to appear in court.

Take Opposite View.

The minority report, in which Chairman Parker joined Mr. Clayton, of Alabama, and Mr. Henry, of Texas, took the opposite view, claiming that the committee was acting in a legislative capacity. They recommended either that the committee be instructed not to respond to the summons or that the resolution recommended by the majority be amended so as to instruct the members of the Printing Committee, if necessary, to procure an appeal or writ of error from any judgment therein.

In addition to joining in the minority report, Representative Clayton, of Alabama, offered a resolution declaring that the District Supreme Court "had unlawfully invaded the constitutional privileges of the House"; that it was without jurisdiction to hale into the court members of the House, and instructing such members to ignore the summons of the court.

An extended debate followed the reports for their presentation to the House, and at 6:10 o'clock a recess was taken until 8 o'clock, in order that final action might be had before adjournment.

Adopts Majority Report.

The House late to-night adopted the majority report of the Judiciary Committee, recommending that the House members of the joint committee on Printing obey the summons of the District Supreme Court to appear before it in its session to-morrow.

Pension Agencies Abolished.

Washington, D. C., February 10.—Seventeen out of eighteen pension agencies, scattered throughout various portions of the country, are abolished under the terms of the pension appropriation bill reported to the House to-day, when the appropriation is recommended for these officers. The one remaining office is located in Washington, and its maintenance is made.

For several years past continuous efforts have been made at each session to abolish the pension agencies, but no particular headway has been made in the effort. The pension bill carries \$5,000,000, which is a decrease of \$5,000,000 from last year.

Among the agencies thus cut off are Knoxville, Tenn., and Louisville, Ky.

DINNER TO MAJOR HEMPHILL

Editor's Friends Make Him Guest of Honor at Brilliant Affair.

[Special to The Times-Dispatch.] Charleston, S. C., February 10.—A dinner given in honor of Major J. C. Hemphill, who is soon to retire as editor of the News and Courier in order to accept the high position with The Richmond Times-Dispatch, was the guest of his friends—100 of them. The entertainment was in many respects a brilliant one in this city. Its crowning feature was the presentation to Mr. Hemphill, by P. T. Gaudin, in behalf of the assembled hosts, of a magnificent silver service as a testimonial of their love and affection for him. The presentation was made by the Hon. J. C. Hemphill.

The silver service is strikingly handsome. It consists of eight pieces, extra heavy and of exquisite design and ornament. On each place are the letters "J. C. H." and "1910." Speeches were made by Mayor R. G. Rhett, Judge W. H. Brawley, John Marshall, C. Norwood Hastie and P. H. Gaudin. Editor Thomas W. Vining, of the Evening Post, read an "editorial symposium," the same being announced as "advance copies of honest sentiments."

Telegrams and letters were read from Major Daniel L. Sinker, Captain J. Elmore Martin, J. Adger Smyth, Wilson G. Harvey, Colonel James Armstrong, Montague Trist and Hon. D. C. Heyward.

BOOM FOR GAYNOR

Missouri Democrats See Presidential Timber in New York Mayor.

New York, February 10.—Mayor Gaynor is likely presidential timber in the eyes of some Missouri Democrats. He received a letter to-day, inviting him to attend a dinner in Springfield, Mo., on April 15, the 47th anniversary of the birth of Thomas Jefferson, and the invitation intimates that he is looked on in Missouri as the national leader of Democracy for 1912.

In reply Mr. Gaynor stated that arrangements are under way to launch a boom whether the attempt is successful or not. He stated that the Missouri Democrats are already anticipating a Democratic victory in 1912, and New York will furnish our national leader.

H. H. Hughes is the leading spirit behind the movement, and among other members of the committee are Young, Lee Savage, Walter, and Hon. E. W. Williams, E. Y. Mitchell, J. Delaney, Colonel L. H. Murray and H. S. Jewell.

CARTOONS DECRIED

Editors Are Told They Lessen Respect for Public Men.

New Orleans, La., February 10.—"There is great danger in the cartoons, satirical and cartooning of our public men and affairs causing a decrease of respect and deterring many of our most prominent leaders from public life," declared President Pomeroy, of Chambersburg, Pa., in his annual address to the convention of the National Editorial Association, which opened here to-day. He contended that the "fair, considerate and wholesome newspapers" still predominant in the country.

Editor Josephus Daniels, of the News and Observer, Raleigh, N. C., in addressing the convention, said that the cartoons played in law enforcement. Miss Kate Bernard, commissioner of charities of the State of Oklahoma, said that newspapers are the greatest factor in the correction of public evils.

SIX DIE IN EXPLOSION

Sawmill Boiler Lets Go When Cold Water Is Forced In.

Bay City, Mich., February 10.—Six men were instantly killed and a number of others severely injured in an explosion at the sawmill of the Pringle & Co. Co., which exploded to-day, wrecking the mill and scattering the debris 100 feet in every direction. The explosion is believed to have been caused by forcing cold water into the boiler when the water was low, causing an excess of steam.

The explosion happened during the noon hour, while the men were in the boiler room of the mill warming themselves and waiting for the boiler to be started the second half of the day's work.

Two of the dead men, William Comperth and Orestes, were killed by the explosion. The others killed were Ward Amidon, George DeWitt, Chris Johnson and John Flood.

TELLS OF TWO MURDERS

Boy Witness Reveals Circus Train Lexington, Ky., February 10.—Revelation of a probable murder that occurred eighteen months ago was made to the public here to-day by a boy, a train transportation to Grundy, Va. Self said that, July 15, 1908, two men were murdered and a third was wounded on the train en route to Lexington from Morehead, Ky., and that the bodies were thrown from the train.

The boy, who is a witness, said that Harry Hamilton, of Toledo, O., was killed by an alleged fall from a train on that date. There is no trace, however, of the second man.

Self said that he was so frightened by the murders that he deserted the circus the next day and went to work on a farm.

NEED NOT ACT AS CATHOLIC

Monsignor Falconio Explains That Even Protestant Ministers See Pope.

Washington, D. C., February 10.—"There is surely no foundation for the statement which has gone broadcast that one must act as a Catholic while in Rome if he hopes to be given an audience with the Pope," declared Monsignor Falconio, Papal Delegate to the United States, to-day, in expressing his regret at the Fairbanks incident at Rome.

"Many times I have given letters of introduction to Protestant ministers who went to Rome, and I am sure the Holy Father enjoyed their visit. But you know, Rome is the parish of the Holy Father, and there was nothing else for him to do under the circumstances."

AGED SEAMAN DEAD

Capt. Seecombe Was Known as Commander of Cunard Liners.

Petersburg, N. H., February 10.—Captain William C. Seecombe, widely known as a commander of Cunard liners, died here at his country residence late to-day, aged sixty-one years. During the Spanish-American War, he commanded at different times the auxiliary ships Glacier and Celtic. His last command before his retirement three years ago was the Cunard liner.

YODER APPEALING FROM JAIL TERM

Pamphlet Editor Fails to Secure Delay in Hastings Court.

CRIMINAL LIBEL CHARGE THIS TIME

Police Commissioners Gordon and Manning and Justice Crutchfield Complainants—Jury Quickly Sworn, After Which Defendant Pleads Not Guilty.

His plea for a continuance denied, Adon A. Yoder, publisher of a weekly pamphlet which made its first appearance in Richmond in June, 1909, entered at 11 o'clock yesterday morning upon his appeal trial for the alleged criminal libel of Police Commissioners W. Douglas Gordon and Chris Manning, Jr., and Police Justice John J. Crutchfield.

In reply Mr. Yoder stated that the grounds that both he and his client were worn out, and that the latter's wife and child were ill at home. Harry M. Smith, Jr., of counsel for the prosecutors, demanded an immediate trial, saying that the request upon the declaration that the crime with which Yoder is charged is continuous in that the pamphlet in which the alleged libelous articles were printed is still being published, and that the ends of justice should be reached without further delay.

In reply Mr. Yoder stated in behalf of his client that the names of the three persons to the warrant for criminal libel would not appear again if the continuance were granted until the case had been definitely settled. Judge Thomas J. Harrison, of Winchester, was sitting, and said that the court would have due regard for the health of the defendant and his attorney, and ordered that the trial proceed.

Jury of Seven Men.

It was not until 12 o'clock and after many of the venire for the term had been selected, that a jury of seven men was finally selected. It being a misdemeanor case, the jury consists of only seven men as follows: E. Whitlock, H. K. Franklin, T. Catesby Jones, J. H. Woods, Walter G. Turpin, William Cannon and D. C. Wood. One of the jurors was discharged on the information of Mr. Smith to counsel for the defendant that the juror was employed at the Cardwell Machine Works, of which the father of Police Commissioner Gordon was a partner. The juror, replying to the indictment, answered "not guilty," and the trial proceeded with the swearing in of the jury.

In rising to make the opening statement Commonwealth's Attorney, Mintree Ford, who is acting as prosecutor in the case, said that the case is one of common law misdemeanor. "It is an appeal case," said Mr. Folkes, "from the Police Court, but comes up as entirely new proceedings. Under section 3902 of the Virginia code it is a misdemeanor for which there is no statutory punishment, the penalty under the common law being a fine, imprisonment or both as the jury may see fit."

He read the article, "Reign of Crime," which appeared in the pamphlet, and which he alleged to be criminally libelous. This article refers to the trial of Sophie Malloy and Maggie Lee, who attained notoriety in the Conway-Torrence murder trial, and charges that the white woman, Sophie Malloy, received a lighter sentence than the negro, because of the alleged interference of Commissioners Gordon and Manning.

Expect to Prove Malice.